

Georgia Department of Natural Resources

Environmental Protection Division • Watershed Protection Branch
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(404) 463-1511; Fax (404) 651-8455
Judson H. Turner, Director

NOV 03 2015

Ms. Robin Goodloe
Supervisory Fish and Wildlife Biologist, North Georgia Office
Georgia Ecological Services
US Fish and Wildlife Service
105 West Park Drive, Suite D, Athens, GA 30606

Re: Request for Stream Buffer Variance under
Provisions of O.C.G.A. 12-7-6(b)(15)
Grandview Lake Dam Repair/Maintenance
Pickens County

Dear Ms. Goodloe:

Thank you for your comment letter received by the Georgia Environmental Protection Division regarding the above referenced stream buffer variance request. We appreciate you making us aware of your concerns.

After receiving your comments we forwarded them to the variance applicant's consultant and requested that they consider them and provide a response. We have reviewed the consultant's response (enclosed) and are satisfied that your concerns have been adequately addressed without the need for any changes to the variance. Because the applicant has met all applicable requirements, the requested variance has been granted. A copy of the Director's letter granting the variance is enclosed.

Again, thank you for taking the time to share your concerns with us; we appreciate your commitment to helping us protect our state's water resources. If you have any questions, please contact Peggy Chambers, Erosion and Sedimentation Control Unit, at (404) 651-8549.

Sincerely,



Glen Behrend, P.E.
Program Manager
NonPoint Source Program

GB:pc
Enclosure

Chambers, Peggy

From: Rick Whiteside <rwhiteside@corblu.com>
Sent: Tuesday, September 01, 2015 5:53 PM
To: Chambers, Peggy
Cc: Matt Otto
Subject: FW: Grandview Lake Dam Repair

Peggy

I have reviewed USFWS comments and offer these comments in return.

1. The USACE NWP 3(a) [Maintenance] regulations authorizes ***“Minor deviations in the structure’s configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or standards that are necessary to make the repair, rehabilitation, or replacement are authorized”*** without the need for a pre-construction notification (PCN; i.e., USACE permit application); USACE authorization ***“by Rule”***.
 - a. The dam and spillway repair are required by EPD’s Safe Dam Program (i.e., “other regulatory agency”) to ensure dam integrity.
2. Further the Savannah District, USACE NWP Regional Conditions only require a PCN for NWP 3(a) ***IF*** stream impacts are 100 linear feet or more or wetland impacts are 0.1 acre or more [Regional Condition B(3)]. Proposed impacts associated with Grandview Lake dam repair are as follows:
 - a. Stream impacts - 90 linear feet
 - b. Wetland impacts - 0.08 acre
3. The backside (downstream side) of the dam and dam spillway (location of the required repairs) are not suitable habitat for the Cherokee or Etowah darter, thus no impact to protected species habitat. Please note USFWS ***“critical habitat”*** is an official designation that becomes recognized formally via public comment and review. The Grandview Lake dam is not located in designated “critical habitat” for any protected species.
4. Suitable habitat for these darter species has already been lost with the construction of the Grandview Lake dam when originally constructed. This is only a “maintenance project”.
5. There are no GDNR records indicating the presence of protected darters in Champion Creek, the creek which is impounded by the Grandview Lake dam “i.e., project vicinity”
6. Failure to repair the dam and subsequent failure will not only result in catastrophic loss of life and property, but would result in the release of significant amounts of collected lake sediments, that would have significant consequences to downstream darters. The USFWS should be supportive of the proposed dam repair.
7. Why we appreciate USFWS comments, the proposed dam repair is authorized by the USACE ***“by Rule”*** and the variance request was submitted under criteria “a” not under “h” and should be acted upon by EPD under criteria “a” as it meets the conditions of criteria “a”

I hope you find these comments helpful, and urge you to continue the expeditious review and final approval of the buffer variance request which will result in a safer human environment and will maintain the natural environment below the dam. Please call with questions.

Regards,
Rick

Richard (Rick) W. Whiteside, PhD, CWB, CSE
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c) 770-778-9864
www.corblu.com



From: Chambers, Peggy [<mailto:Peggy.Chambers@dnr.ga.gov>]
Sent: Monday, August 31, 2015 12:44 PM
To: Matt Otto <motto@corblu.com>
Subject: Grandview Lake Dam Repair

Matt: I had spoken to Rick last week about EPD's need to resend the public advisory out. FYI-Here are comments sent to me by US Fish and Wildlife for the Grandview Lake Dam Repair Project:

Champion Creek, where the Grandview Lake dam rehab project is proposed (TSV-112-15-01) is known habitat for both the Federal and State-listed Cherokee darter and Etowah darter. Can you remind Mr. Wilcox of the Grandview Lake Company of his Federal obligations to obtain Corps authorization for fill, even temporary, of waters of the US.

Thanks,

Robin

Robin Goodloe, Supervisory Fish and Wildlife Biologist, North Georgia Office
Georgia Ecological Services
US Fish and Wildlife Service
105 West Park Drive, Suite D, Athens, GA 30606
706-613-9493 X221 🐟 706-613-6059 fax

Chambers, Peggy


From: Chambers, Peggy
Sent: Monday, August 31, 2015 12:44 PM
To: 'motto@corblu.com'
Subject: Grandview Lake Dam Repair

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Robin

Robin Goodloe, Supervisory Fish and Wildlife Biologist, North Georgia Office
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Chambers, Peggy

From: Goodloe, Robin <robin_goodloe@fws.gov>
Sent: Thursday, August 27, 2015 3:15 PM
To: Chambers, Peggy
Subject: Fwd: Stream Buffer Variance Public Advisories
Attachments: BV-028-15-04.pdf; BV-008-15-02.pdf; BV-058-15-01 Bethelwood Lakes Phase 1 - Dam Rehabilitation and Dam Breach - PA Second.pdf; BV-058-15-02.pdf; BV-058-15-03 Stratford Hill SD - PA Letter.pdf; TSV-112-15-01.pdf

Hi Peggy,

Champion Creek, where the Grandview Lake dam rehab project is proposed (TSV-112-15-01) is known habitat for both the Federal and State-listed Cherokee darter and Etowah darter. Would it be possible to see a map (or coordinates) where the two stream impacts are proposed.

Also, the other variance requests where there is actual impact to stream systems are projects where I've already review them during the Section 404 permitting process (Eagle Point landfill expansion, Stratford Hills Subdivision). This one, though, I haven't seen before. Can you remind Mr. Wilcox of the Grandview Lake Company of his Federal obligations to obtain Corps authorization for fill, even temporary, of waters of the US.

Thanks,


Robin

Robin Goodloe, Supervisory Fish and Wildlife Biologist, North Georgia Office

Georgia Ecological Services

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----- Forwarded message -----

From: **Voudy, Christine** <Christine.Voudy@dnr.ga.gov>

Date: Thu, Aug 27, 2015 at 2:25 PM

Subject: Stream Buffer Variance Public Advisories

To: "abrown@rlandc.com" <abrown@rlandc.com>, "BuckAltschul@forestargroup.com" <BuckAltschul@forestargroup.com>

<BuckAltschul@forestargroup.com>, "asafit@comcast.net" <asafit@comcast.net>

, "lbecker@mindspring.com" <lbecker@mindspring.com>, "DaHushPup@aol.com" <DaHushPup@aol.com>

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Cc: "Behrend, Glen" [<Glen.Behrend@dnr.ga.gov>](mailto:Glen.Behrend@dnr.ga.gov), "Berry, Michael" [<Michael.Berry@dnr.ga.gov>](mailto:Michael.Berry@dnr.ga.gov)

Attached are public advisories for various stream buffer projects. The original letter to the applicant is in the mail. In an effort to reduce costs concerning postage, we are requesting that anyone carbon copied on this letter to please print a copy of this letter for your records. Your cooperation is appreciated. Thanks!